

A BILL 1

18-564 2

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA 3

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To establish local nutritional standards for school meals, to establish healthy vending, 5  
fundraising, marketing, and prize requirements in public schools, to require public 6  
schools to participate in federal meal programs whenever possible, to solicit feedback 7  
about healthy meals, to require public disclosure of ingredients, origin of fruits and 8  
vegetables and the nutritional content of school meals, and to provide at least 30 minutes 9  
to eat lunch; to establish a farm-to-school program, to create a preference and a monetary 10  
incentive to serve locally-grown, unprocessed foods, to require teaching about the 11  
benefits of fresh, local foods, to establish programs such as a local flavor week and a 12  
harvest of the month, and to require an annual report and recommendations on farm-to- 13  
school initiatives; to establish minimum levels of physical education and activity for 14  
students, to provide for exemptions for students with disabilities, students with other 15  
diagnosed health problems, or schools that lack the facilities, to provide schools with 16  
equal access to recreation facilities, to prohibit physical education to be used as 17  
punishment, to require minimum amounts of health education, and to require an annual 18  
report about the compliance with these requirements; to establish an environmental 19  
programs office within the Office of the Public Education Facilities Modernization that 20  
would establish comprehensive recycling, energy reduction, and integrated pest 21  
management programs at District of Columbia Public Schools and develop a plan to use 22  
environmentally friendly cleaning supplies, to require an annual report and 23  
recommendations on sustainability, to encourage schools to use more sustainable 24  
products in their meal service, to amend the Green Building Act of 2006 and Title 20 of 25  
the District of Columbia Municipal Regulations to encourage school construction to 26  
achieve LEED Gold certification, to create an environmental literacy plan, to establish a 27  
school gardens program, to issue grants to support the development of school gardens, to 28  
require a report and recommendations about school gardens, and to permit the sale and 29  
consumption of food grown in school gardens when safe; to require schools to 30  
collaborate to adopt local wellness policies and update them triennially, to require the 31  
inclusion of sustainability and farm-to-school initiatives in local wellness policies, to 32  
require local wellness policies to be promoted and shared, to empower the State 33  
Superintendent of Education with the authority to verify compliance with their local 34

wellness policies, to require a plan to place a school wellness center at DCPS high schools by 2015, to amend the District of Columbia Public School Nurse Assignment Act of 1987 to give preference after October 1, 2010 in hiring school nurses certified as asthma educators, to require that schools develop allergy plans and appoint an allergy coordinator, to amend Titles 18 and 20 of the District of Columbia Municipal Regulations to prohibit vehicles from idling near schools, to implement the Indoor Air Quality Tools for Schools program; and to establish a Healthy Youth and Schools Commission, to define its function, to require an annual report and recommendations, to set forth the composition and organization of the commission, to define its rules of procedure and powers, and to provide administrative and technical support.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Healthy Schools Act of 2010".

**TITLE I. DEFINITIONS; ESTABLISHMENT OF HEALTHY SCHOOLS FUND.**

Sec. 101. Definitions.

For the purposes of this act, the term:

(1) "Healthy Schools Fund" means the fund established by section 102.

(2) "Healthy Schools and Youth Commission" means the body established by section 701.

(3) "Locally-grown" means from a grower in Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, or West Virginia.

(4) "Locally-processed" means processed at a facility in Delaware, the District of Columbia, Maryland, New Jersey, North Carolina, Pennsylvania, Virginia, or West Virginia.

(5) "Meals" means breakfast, lunch, or after-school snacks served as a part of the National School Lunch Program, School Breakfast Program, or Summer Food Service Program,

or after-school meals served as part of the Child and Adult Care Food Program. 1

(6) “Moderate-to-vigorous physical activity” means movement resulting in a 2  
substantially increased heart rate and breathing. 3

(7) “Public charter school” means a school chartered under the District of 4  
Columbia School Reform Act of 1995, approved April 26, 1996 (110 Stat. 1321-107; D.C. 5  
Official Code § 38-1800.01 *et seq.*). The term “public charter school” shall not include private 6  
or parochial schools. 7

(8) “Public school” means a school operated by the District of Columbia Public 8  
Schools, established by section 102 of the District of Columbia Public Schools Agency 9  
Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38- 10  
171). 11

(9) “Sustainable agriculture” means an integrated system of plant and animal 12  
production practices having a site-specific application that will, over the long-term: 13

(A) Satisfy human food and fiber needs; 14

(B) Enhance environmental quality and the natural resource base upon 15  
which the agriculture economy depends; 16

(C) Make the most efficient use of nonrenewable resources and on-farm 17  
resources and integrate, where appropriate, natural biological cycles and controls; 18

(D) Sustain the economic viability of farm operations; and 19

(E) Enhance the quality of life for farmers and society as a whole. 20

**ENGROSSED ORIGINAL**

(10) (A) “Unprocessed” means foods that are nearest their whole, raw, and natural state, and contain no artificial flavors or colors, synthetic ingredients, chemical preservatives, or dyes.

(B) For the purposes of this paragraph, food which undergoes the following processes shall be deemed to be unprocessed:

- (i) Cooling, refrigerating, or freezing;
- (ii) Size adjustment through size reduction made by peeling, slicing, dicing, cutting, chopping, shucking, or grinding;
- (iii) Drying or dehydration;
- (iv) Washing;
- (v) The application of high water pressure or “cold pasteurization”;
- (vi) Packaging, such as placing eggs in cartons, and vacuum packing and bagging, such as placing vegetables in bags;
- (vii) Butchering livestock, fish, or poultry; and
- (viii) The pasteurization of milk.

Sec. 102. Establishment of the Healthy Schools Fund.

(a) There is established as a nonlapsing fund the Healthy Schools Fund, which shall be used solely as provided in subsection (c) of this section and administered by the Office of the State Superintendent of Education. The Fund shall be funded by annual appropriations, which shall be deposited into the Fund.

**ENGROSSED ORIGINAL**

(b) All funds deposited into the Fund, and any interest earned on those funds, shall not  
revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end  
of a fiscal year, or at any other time, but shall be continually available for the uses and purposes  
set forth in subsection (c) of this section without regard to fiscal year limitation, subject to  
authorization by Congress.

(c) The funds in the Fund shall be used as follows:

(1) To provide additional funding for healthy school meals, the Office of the State  
Superintendent of Education shall reimburse public schools and public charter schools as  
follows:

(A) Ten cents for each breakfast meal served that meets the requirements  
of sections 202 and 203; and

(B) Ten cents for each lunch meal served that meets the requirements of  
sections 202 and 203.

(2) To provide free breakfast meals in public charter schools under section 203(a),  
the Office of the State Superintendent of Education shall reimburse public charter schools as  
follows:

(A) Thirty cents for each breakfast meal served to students who qualify for  
reduced-price meals; and

(B) The difference between the free and paid rates for breakfasts served in  
severe-needs schools in the District of Columbia, as determined by the U.S. Department of

- Agriculture, to students who do not qualify for free or reduced-price meals. 1
- (3) To eliminate the reduced-price copayment under section 203(b)(1), the Office 2  
of the State Superintendent of Education shall reimburse public schools and public charter 3  
schools 40 cents for each lunch meal served to students who qualify for reduced-price meals. 4
- (4) To provide resources to implement the breakfast-in-the-classroom program 5  
under section 203(a)(2), for the 2010-2011 school year, the Office of the State Superintendent of 6  
Education shall provide \$7 per student to public schools and public charter schools participating 7  
in the National School Lunch Program, in which more than 40% of students qualify for free or 8  
reduced-price meals. 9
- (5) To encourage local foods to be served in schools, the Office of the State 10  
Superintendent of Education shall provide an additional 5 cents per lunch meal reimbursement to 11  
public schools and public charter schools when at least one component of a reimbursable lunch 12  
meal is locally-grown and unprocessed; provided, that the schools report the name and address 13  
of the farms where the locally-grown foods were grown to the Office of the State Superintendent 14  
of Education. 15
- (6) To increase physical activity in schools, the Office of the State Superintendent 16  
of Education shall make grants available through a competitive process to public schools and 17  
public charter schools; provided, that schools shall meet the requirements of section 402 and 18  
seek to increase the amount of physical activity in which their students engage. 19
- (7) To support school gardens, the Office of the State Superintendent of 20

Education shall make grants available through a competitive process to public schools, public  
charter schools, and other organizations.

(d) The Office of the State Superintendent of Education may, by rule, increase the  
amounts, as set forth in subsection (c) of this section, to further improve the quality and nutrition  
of school meals.

(e) The Office of the State Superintendent of Education may withhold local funds  
provided by subsection (c) of this section from public schools and public charter schools that do  
not meet the requirements of sections 202, 203, 205, and 206.

## **TITLE II. SCHOOL NUTRITION.**

### **Sec. 201. Goals.**

(a) Public schools and public charter schools shall serve healthy and nutritious meals to  
students. Schools are strongly encouraged to consider serving vegetarian food options each  
week.

(b) Public schools and public charter schools are strongly encouraged to participate in the  
United States Department of Agriculture's HealthierUS School Challenge program and achieve  
Gold Award Level certification.

### **Sec. 202. Nutritional standards for school meals.**

(a) All breakfast, lunch, and after-school meals served to students in public schools and  
public charter schools or by organizations participating in the Afterschool Meal Program shall  
meet or exceed the federal nutritional standards set forth in:

**ENGROSSED ORIGINAL**

(1) The Child Nutrition Act of 1996, approved October 11, 1996 (80 Stat. 885; 42	1
U.S.C. § 1771 <i>et seq.</i> );	2
(2) The Richard B. Russell National School Lunch Act, approved June 4, 1946	3
(60 Stat. 230; 42 U.S.C. § 1751 <i>et seq.</i> );	4
(3) 7 C.F.R. Parts 210, 215, 220, 225, and 226; and	5
(4) Other applicable federal law.	6
(b) In addition to the requirements of subsection (a) of this section, breakfast and lunch	7
meals served to students in each public school and public charter school shall meet or exceed:	8
(1) The following nutritional requirements per serving:	9
(A) Calories:	10
(i) (I) Between 350 and 550 for breakfast for Pre-Kindergarten	11
through Grade 8;	12
(II) Between 450 and 600 for breakfast for Grades 9	13
through 12;	14
(III) Between 550 and 700 for lunch for Pre-Kindergarten	15
through Grade 8; and	16
(IV) Between 750 and 850 for lunch for Grades 9 through	17
12.	18
(ii) The requirements of this subparagraph may be assessed as a	19
weekly average;	20



(B) Saturated fat: Fewer than 10% of total calories;	1
(C) Trans fat: Zero grams; and	2
(D) Sodium:	3
(i) For breakfast meals:	4
(I) Less than 430 mg for Grades Kindergarten through 5;	5
(II) Less than 470 mg for Grades 6 through 8; and	6
(III) Less than 500 mg for Grades 9 through 12.	7
(ii) For lunch meals:	8
(I) Less than 640 mg for Grades Kindergarten through 5;	9
(II) Less than 710 mg for Grades 6 through 8; and	10
(III) Less than 740 mg for Grades 9 through 12.	11
(iii) The requirements of this subparagraph shall not apply until	12
August 1, 2020; provided, that public schools and public charter schools shall gradually reduce	13
the amount of sodium served in school meals.	14
(2) The serving requirements of the United State Department of Agriculture's	15
HealthierUS School Challenge program at the Gold Award Level for vegetables, fruits, whole	16
grains, milk, and other foods served in school meals, as may be revised from time to time, not	17
withstanding any termination.	18
(c) The Office of the State Superintendent of Education may adopt standards that exceed	19
the requirements of this section.	20

Sec. 203. Additional requirements for public school meals.	1
(a) (1) Public schools and public charter schools shall offer free breakfast to all students.	2
(2) If more than 40% of the students at a school qualify for free or reduced-price	3
meals:	4
(A) A public elementary school and a public charter elementary school	5
shall offer breakfast in the classroom each day; and	6
(B) A public middle and high school and a public charter middle and high	7
school shall offer alternative serving models, such as breakfast in the classroom or grab-and-go	8
carts, each day to increase breakfast participation.	9
(b) Public schools and public charter schools shall:	10
(1) Not charge students for meals if the students qualify for reduced-price meals;	11
(2) Provide meals that meet the dietary needs of children with diagnosed medical	12
conditions as required by a physician;	13
(3) Solicit input from students, faculty, and parents, through taste tests, comment	14
boxes, surveys, a student nutrition advisory council, or other means, regarding nutritious meals	15
that appeal to students;	16
(4) Promote healthy eating to students, faculty, staff, and parents;	17
(5) Provide at least 30 minutes for students to eat lunch; and	18
(6) Participate in federal nutritional and commodity foods programs whenever	19
possible.	20

(c) Public schools and public charter schools are encouraged to make cold, filtered water available free to students, through water fountains or other means, when meals are served to students in public schools and public charter schools.

Sec. 204. Central kitchen.

(a) The District of Columbia Public Schools shall establish a central facility in the District to:

(1) Prepare, process, grow, and store healthy and nutritious foods for schools and nonprofit organizations;

(2) Support nutrition education programs; and

(3) Provide job-training programs for students and District residents.

(b) The District of Columbia Public Schools shall provide reasonable access to charter schools that wish to use the facility.

(c) The Department of Real Estate Services shall assist the District of Columbia Public Schools in selecting real property for the facility and the Office of Public Education Facilities Modernization shall convert the real property into the facility.

Sec. 205. Public disclosure.

(a) Food service providers shall provide the following information to public schools and public charter schools:

(1) The menu for each breakfast and lunch meal served;

(2) The nutritional content of each menu item;

(3) The ingredients for each menu item; and	1
(4) The location where fruits and vegetables served in schools are grown and	2
processed and whether growers are engaged in sustainable agriculture practices.	3
(b) (1) Public schools and public charter schools shall post the information provided to	4
them under subsection (a) of this section:	5
(A) In the school's office; and	6
(B) Online if the school has a website.	7
(2) Public schools and public charter schools shall inform families that vegetarian	8
food options and milk alternatives are available upon request.	9
Sec. 206. Healthy vending, fundraising, and prizes in public schools.	10
(a) Except as provided by subsection (b) of this section, all beverages and snack foods	11
provided by or sold in public schools and public charter schools or provided by organizations	12
participating in the Afterschool Meal Program, whether through vending machines, fundraisers,	13
snacks, after-school meals, or other means, shall meet the requirements of the United State	14
Department of Agriculture's HealthierUS School Challenge program at the Gold Award Level	15
for competitive foods, as may be revised from time to time, notwithstanding any termination.	16
(b) The requirements of subsection (a) of this section shall not apply to:	17
(1) Food and drinks available only to faculty and staff members; provided, that	18
school employees shall be encouraged to model healthy eating;	19
(2) Food provided at no cost by parents;	20

**ENGROSSED ORIGINAL**

- (3) Food sold or provided at official after-school events; and 1
- (4) Adult education programs. 2
- (c) The Office of the State Superintendent of Education may adopt standards that exceed 3  
the requirements set forth in subsections (a) and (b) of this section. 4
- (d) Foods and beverages sold in public school and public charter school stores shall meet 5  
the requirements of subsection (a) of this section. 6
- (e) Public schools and public charter schools shall not permit third parties, other than 7  
school-related organizations and school meal service providers, to sell foods or beverages of any 8  
type to students on school property from 90 minutes before the school day begins until 90 9  
minutes after the school day ends. 10
- (f) Foods and beverages that do not meet the nutritional requirements of subsection (a) of 11  
this section shall not be: 12
- (1) Used as incentives, prizes, or awards in public schools or public charter 13  
schools; or 14
- (2) Advertised or marketed in public schools and public charter schools through 15  
posters, signs, book covers, scoreboards, supplies, equipment, or other means. 16
- (g) After first issuing a warning, the Office of the State Superintendent of Education may 17  
impose a penalty, not to exceed \$500 per day paid to the Healthy Schools Fund, on public 18  
schools and public charter schools that violate this section, subject to the right to a hearing 19  
requested within 10 days after the notice of imposition of the penalty is sent. 20

Sec. 207. Triennial review. 1

The Healthy Schools and Youth Commission shall review school nutrition and the 2  
requirements of this title at least every 3 years and recommend improvements to the Mayor and 3  
the Council. 4

**TITLE III. FARM-TO-SCHOOL PROGRAM.** 5

Sec. 301. Local food sourcing, reimbursement, and education. 6

Public schools and public charter schools shall serve locally-grown, locally-processed, 7  
and unprocessed foods from growers engaged in sustainable agriculture practices whenever 8  
possible. Preference shall be given to fresh foods grown and processed in the District of 9  
Columbia, Maryland, and Virginia. 10

Sec. 302. Programs. 11

The Office of the State Superintendent of Education shall, in conjunction with the 12  
Department of Health, the Department of Parks and Recreation, the District Department of the 13  
Environment, the University System of the District of Columbia, community organizations, food 14  
service providers, public schools, and public charter schools, develop programs to promote the 15  
benefits of purchasing and eating locally-grown and unprocessed foods that are from growers 16  
engaged in sustainable agriculture practices. At minimum, the Office of the State 17  
Superintendent of Education shall conduct at least one program per year, such as an annual local 18  
flavor week or a harvest of the month program, in collaboration with other District agencies and 19  
nonprofit organizations. 20

Sec. 303. Mandatory reporting. 1

On or before September 30 of each year, the Office of the State Superintendent of 2  
Education shall submit to the Mayor, the Council, and the Healthy Schools and Youth 3  
Commission a comprehensive report on the District's farm-to-school initiatives and 4  
recommendations for improvement. 5

Sec. 304. Section 729 of Title 19 of the District of Columbia Municipal Regulations is 6  
amended by adding a new subsection 729.3 to read as follows: 7

"729.3 The provisions of this section shall not preclude the use of public recreation 8  
facilities by programs to provide community access to healthy foods, such as farmers' markets." 9

**TITLE IV. PHYSICAL AND HEALTH EDUCATION.** 10

Sec. 401. Physical activity goals. 11

(a) It shall be the goal of the District of Columbia for children to engage in physical 12  
activity for 60 minutes each day. 13

(b) Public schools and public charter schools shall promote this goal. 14

(c) Public schools and public charter schools shall seek to maximize physical activity by 15  
means including: 16

(1) Extending the school day; 17

(2) Encouraging students to walk or bike to school; 18

(3) Promoting active recess; 19

(4) Including physical activity in after-school activities; 20

(5) Supporting athletic programs; and	1
(6) Integrating movement into classroom instruction.	2
Sec. 402. Physical and health education requirements.	3
(a) Public schools and public charter schools shall provide physical education as follows:	4
(1) For students in Kindergarten through Grade 5:	5
(A) School years 2010-2011 to 2013-2014: an average of at least 30	6
minutes per week or the same level of physical education as provided in school year 2009-2010,	7
whichever is greater; and	8
(B) School year 2014-2015 and after: an average of at least 150 minutes	9
per week;	10
(2) For students in Grades 6 through 8:	11
(A) School years 2010-2011 to 2013-2014: an average of at least 45	12
minutes per week or the same level of physical education as provided in school year 2009-2010,	13
whichever is greater; and	14
(B) School year 2014-2015 and after: an average of at least 225 minutes	15
per week.	16
(3) At least 50% of physical education class time shall be devoted to actual	17
physical activity, with as much class time as possible spent in moderate-to-vigorous physical	18
activity.	19
(b) Public schools and public charter schools shall provide health education to students in	20



Grades Kindergarten through 8 as follows: 1

(1) School years 2010-2011 to 2013-2014: an average of at least 15 minutes per 2  
week or the same level of health education as provided in school year 2009-2010, whichever is 3  
greater; and 4

(2) School year 2014-2015 and after: an average of at least 75 minutes per week; 5

(c) The State Board of Education, with assistance from the Office of the State 6  
Superintendent of Education, shall consider ways to expand physical education in high schools. 7

(d) The physical education and health education required by this section shall meet the 8  
curricular standards adopted by the State Board of Education. 9

Sec. 403. Additional requirements. 10

(a) A student with disabilities shall have suitably adapted physical education incorporated 11  
as part of the individualized education program developed for the student. With a written note 12  
from a physician, public schools and public charter schools may provide suitably adapted 13  
physical education for any other student with special needs that preclude the student from 14  
participating in regular physical education instruction. 15

(b) Requiring or withholding physical activity shall not be used to punish students; 16  
provided, that students who are not wearing appropriate athletic clothing may be prohibited from 17  
participating in physical activity until properly dressed. 18

Sec. 404. Access to public facilities. 19

The Department of Parks and Recreation shall provide equal access and shall charge 20

**ENGROSSED ORIGINAL**

equal fees to both public schools and public charter schools for the use of its recreation centers, 1  
fields, playgrounds, and other facilities. 2

Sec. 405. Mandatory reporting. 3

Beginning in 2011, on or before September 30 of each year, the Office of the State 4  
Superintendent of Education shall report to the Mayor, the Council, and the Healthy Schools and 5  
Youth Commission annually regarding: 6

(1) Compliance of public schools and public charter schools with the physical and health 7  
education requirements in this title; and 8

(2) Student achievement with respect to health and physical education standards. 9

Sec. 406. Conforming amendment. 10

Section 717.1 of Title 19 of the District of Columbia Municipal Regulations is amended 11  
to read as follows: "717.1 The recreational use of properties under the direct control of the 12  
Department shall have direct precedence over use for other purposes, except where recreation 13  
properties in the immediate vicinity of a public school or charter school are the only recreation 14  
facilities available for school use." 15

**TITLE V. ENVIRONMENT. 16**

Sec. 501. Environmental programs office. 17

(a) An environmental programs office is established in the Office of Public Education 18  
Facilities Modernization and shall: 19

(1) (A) Contract with vendors to recycle all materials required by District law at 20

**ENGROSSED ORIGINAL**

all public schools, including food services, by December 31, 2010, and provide technical assistance to public charter schools about recycling;

(B) The contracts under subparagraph (a) of this paragraph shall be negotiated to provide a financial incentive to reduce the amount of waste created in public schools and, when possible, to increase diversion rates in public schools;

(2) Develop a master recycling plan for public schools on or before December 31, 2010 to reach a system-wide diversion rate of 45% by August 1, 2015;

(3) Analyze utility usage at each public school and develop a plan to reduce that amount by 20% on or before August 1, 2015;

(4) Establish an integrated pest management program;

(5) Test drinking water in public schools for lead and promptly take any remedial action required;

(6) Comply with the Environmental Protection Agency's Lead; Renovation, Repair, and Painting Program, established by 40 C.F.R. Part 745;

(7) Post the results of its environmental testing online; and

(8) Promote the Environmental Protection Agency's Indoor Air Quality Tools for Schools Program to reduce exposure to environmental factors that impact asthma among children and adults in public schools.

(b) The District of Columbia Public Schools shall:

(1) Use environmentally-friendly cleaning supplies in public schools; provided,

that the agency may exhaust its current supply of conventional cleaners; and 1

(2) Prepare and transmit to the Mayor, the Council, and the Healthy Schools and 2  
Youth Commission, on or before December 31, 2010, a plan to use sustainable products in 3  
serving meals to students. 4

(c) On or before December 31, 2010, the Mayor shall prepare and transmit to the Council 5  
a comprehensive report describing the implementation of recycling, composting, energy- 6  
reduction, pest management, air quality, and environmentally-friendly cleaning supplies 7  
programs in public schools. The report shall include: 8

(1) A thorough, school-by-school breakdown of the waste stream in public 9  
schools, including tonnages, components, and diversion rates; 10

(2) Baseline energy usage, an analysis of usage patterns, and savings achieved; 11

(3) Recommendations and a timeline for further implementing these programs; 12

and 13

(4) A proposal for recognizing and rewarding schools that significantly improve 14  
their environmental portfolio. 15

Sec. 502. Environmental literacy plan. 16

The District Department of the Environment, in conjunction with the District of 17  
Columbia Public Schools, the Department of Parks and Recreation, the Public Charter School 18  
Board, the Office of the State Superintendent of Education, the State Board of Education, and the 19  
University System of the District of Columbia, shall develop an environmental literacy plan for 20

public schools and public charter schools. 1

Sec. 503. School Gardens Program. 2

(a) A School Gardens Program is established within the Office of the State 3  
Superintendent of Education. The School Gardens Program shall: 4

(1) Coordinate the efforts of community organizations, the Department of Parks 5  
and Recreation, the District Department of the Environment, the District of Columbia Public 6  
Schools, the Office of Public Education Facilities Modernization, the Public Charter School 7  
Board, and the University System of the District of Columbia to establish gardens as integral 8  
components of public schools and public charter schools; 9

(2) Complement the Food Production and Urban Gardens Program, established by 10  
Section 3 of the Food Production and Urban Gardens Program Act of 1986, effective February 11  
28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-402); 12

(3) Establish and convene a Garden Advisory Committee, composed of 13  
community organizations, District government agencies, and other interested persons; 14

(4) Collect data on the location and types of gardens in public schools and public 15  
charter schools; 16

(5) Provide horticultural guidance and technical assistance to public schools and 17  
public charter schools; 18

(6) Coordinate curricula for school gardens and related projects; and 19

(7) Provide training, support, and assistance to gardens in public schools and 20

public charter schools. 1

(b) On or before June 30, 2011, the School Gardens Program shall issue a report to the 2  
Mayor, the Council, and the Healthy Schools and Youth Commission about the state of school 3  
gardens in the District of Columbia, plans for expanding them, and recommendations for 4  
improving the program. 5

(c) The University System of the District of Columbia shall assist the School Gardens 6  
Program by providing technical expertise, curricula, and soil testing for school gardens. 7

(d) As permitted by federal law, when tests show that the soil is safe and when produce is 8  
handled safely, produce grown in school gardens may be identified and served to students at the 9  
school, including in the cafeteria. Produce grown in school gardens may be sold and the 10  
proceeds from such sales shall be expended for the benefit the public school where the produce 11  
was grown. 12

(e) School gardens shall include a demonstration compost pile when feasible. 13

Sec. 504. The Green Building Act of 2006, effective March 8, 2007 (D.C. Law 16-234; 14  
D.C. Official Code § 6-1451.01 *et seq.*), is amended as follows: 15

(a) Section 3(b)(1)(C)(iii) (D.C. Official Code § 6-1451.02(b)(1)(C)(iii)) is amended by 16  
adding a new sentence at the end to read as follows: 17

“Notwithstanding the foregoing sentence, the District shall meet LEED for Schools 18  
certification at the Gold level or higher if sufficient funding for the construction or renovation is 19  
provided.”. 20

**ENGROSSED ORIGINAL**

(b) Section 4(b)(2)(B) (D.C. Official Code § 6-1451.03(b)(2)(B)) is amended by adding a new sentence at the end to read as follows:

“Schools shall aspire to meet LEED for Schools certification at the Gold level or higher.”.

Sec. 505. Section 3(3)(D) of the Food Production and Urban Gardens Program Act of 1986, effective February 28, 1987 (D.C. Law 6-210; D.C. Official Code § 48-402 (3)(D)), is amended by striking the phrase “Board of Education of the District of Columbia” and inserting the phrase “Office of the State Superintendent of Education” in its place.

Sec. 506. Section 3501 of Chapter 35 of Title 20 of the District of Columbia Municipal Regulations is amended by adding a new subsection 3501.3 to read as follows:

“3501.3 For both newly constructed and substantially improved public schools, the District shall aspire to meet LEED for Schools certification at the Gold level or higher.”.

Sec. 507. Section 704 of the Office of Public Education Facilities Modernization Establishment Act of 2007, effective June 12, 2007 (D.C. Law 17-9; D.C. Official Code § 38-453), is amended by adding a new paragraph (7B) to read as follows:

“(7B) Direct and supervise the environmental programs office established pursuant to Section 501 of the Healthy Schools Act of 2010, passed on 2nd reading on May 4, 2010 (Enrolled version of Bill 18-564).”.

**TITLE VI. HEALTH AND WELLNESS.**

Sec. 601. Local wellness policies.

- (a) As required by federal law, each local educational agency shall collaborate with parents, students, food service providers, and community organizations to develop, adopt, and update a comprehensive local wellness policy. Local wellness policies shall be revised at least once every 3 years.
- (b) Local wellness policies shall include:
- (1) The requirements set forth in federal law; and
  - (2) Goals for:
    - (A) Improving the environmental sustainability of schools;
    - (B) Increasing the use of locally-grown, locally-processed, and unprocessed foods from growers engaged in sustainable agriculture practices; and
    - (C) Increasing physical activity.
- (c) Public schools and public charter schools shall promote their local wellness policy to faculty, staff, parents, and students. A copy shall be:
- (1) Posted on each school's website, if it has one;
  - (2) Distributed to food service staff members;
  - (3) Distributed to the school's parent/teacher organization, if it has one; and
  - (4) Made available in each school's office.
- (d) The Office of the State Superintendent of Education shall review each local wellness policy to ensure that it complies with federal requirements and shall examine whether schools comply with their policies.



Sec. 602. School health profiles.	1
(a) On or before January 15 of each year, each public school and public charter school	2
shall submit the following information to the Office of the State Superintendent of Education	3
regarding each of its campuses:	4
(1) Health programs:	5
(A) Whether the school has full-time, part-time, or no nurse coverage;	6
(B) The name and contact information of the school's nurse;	7
(C) Whether the school has school-based mental health program or offers	8
similar services on site;	9
(D) Whether there is a certified health teacher on staff; and	10
(E) Whether there is a school-based health center;	11
(2) Nutrition programs:	12
(A) The name of the school's food service vendor;	13
(B) Whether the school's meals meet the nutritional standards required by	14
federal and District law;	15
(C) Where the information required by section 205 can be found;	16
(D) Whether the school participates in the farm-to-school program under	17
section 301; and	18
(E) Whether the school participates in the School Gardens Program under	19
section 503;	20

(3) Physical and health education:	1
(A) The average amount of weekly physical education that students	2
receive in each grade;	3
(B) The average amount of weekly health education that students receive	4
in each grade; and	5
(C) How the school promotes physical activity;	6
(4) Wellness policy:	7
(A) Whether the school is in compliance with its local wellness policy;	8
and	9
(B) Where a copy of the school's local wellness policy can be found.	10
(b) The Office of the State Superintendent of Education may, by rule, change the	11
information, as set forth in subsection (a) of this section, to be included in the healthy schools	12
profile form.	13
(c) On or before January 15 of each year, each public school and public charter school	14
shall post the information required by subsection (a) of this section online if the school has a	15
website and make the form available to parents in its office.	16
(d) The Office of the State Superintendent of Education shall post the information	17
required by subsection (a) of this section on its website within 14 days of receipt.	18
Sec. 603. School health centers.	19
(a) The Department of Health, in conjunction with the Department of Healthcare Finance,	20

the District of Columbia Public Schools, the Office of Public Education Facilities 1  
Modernization, and the Public Charter School Board, shall develop a plan to establish and 2  
operate school health centers in public schools and public charter schools on or before December 3  
31, 2015. 4

(b) The plan shall include the following: 5

(1) A needs assessment to determine where school health centers shall be located, 6  
including a justification for any determination that a school health center is not needed at a 7  
public high school; and 8

(2) A proposal for financial sustainability for the school health centers. 9

(c) The plan shall be submitted to the Mayor, the Council, and the Healthy Schools and 10  
Youth Commission on or before December 31, 2010. 11

Sec. 604. School nurses. 12

The square footage of a nurse's suite shall not be a determining factor as to whether or 13  
not a school nurse is placed at a public charter school; provided, that all other conditions as 14  
required by the Department of Health are met. 15

Sec. 605. Section 3 of the Student Health Care Act of 1985, effective December 3, 1985 16  
(D.C. Law 6-66; D.C. Official Code § 38-602), is amended as follows: 17

(a) Subsection (a) is amended to read as follows: 18

“(a) Except as provided in section 4, each student attending prekindergarten through 19  
grade 12 in a public, public charter, private, or independent school in the District of Columbia 20

shall furnish the school annually with a certificate of health completed and signed by a physician 1  
or advanced practice nurse who has examined the student during the 12-month period 2  
immediately preceding the 1st day of the school year or the date of the student's enrollment in 3  
the school, whichever occurs later. The examination shall cover all items required by the 4  
certificate of health form for the student's particular age group." 5

(b) Subsection (c) is amended to read as follows: 6

"(c) The Mayor shall develop standard forms for certificates of health, testing for lead 7  
poisoning, and dental health, and shall make blank forms available in sufficient quantities to 8  
carry out the purposes of this act. The certificate of health form shall contain, at a minimum, the 9  
following: 10

"(A) All items required by the American Academy of Pediatrics for each relevant 11  
age group; and 12

"(B) A plain language explanation of the following: 13

"(i) Body mass index; 14

"(ii) How to access health insurance programs; and 15

"(iii) How to contact school nurses." 16

Sec. 606. Subsections 2148.3 of Title 18 and 900.1 of Title 20 of the District of 17  
Columbia Municipal Regulations are amended to read as follows: 18

"No person owning, operating, or having control over the engine of a gasoline or diesel 19  
powered motor vehicle on public or private space, including the engine of a public vehicles for 20

hire, buses with a seating capacity of twelve (12) or more persons, and school buses or any  
vehicle transporting students, shall allow that engine to idle for more than three (3) minutes  
while the motor vehicle is parked, stopped, or standing, including for the purpose of operating  
air conditioning equipment in those vehicles, except as follows:

“(a) To operate private passenger vehicles;

“(b) To operate power takeoff equipment including, dumping, cement mixers,  
refrigeration systems, content delivery, winches, or shredders; or

“(c) To idle the engine for no more than five (5) minutes to operate heating equipment  
when the ambient air temperature is thirty-two degrees Fahrenheit (32°F) or below.”.

**TITLE VII. – HEALTHY YOUTH AND SCHOOLS COMMISSION**

Sec. 701. Establishment of the Healthy Youth and Schools Commission.

(a) There is established a Healthy Youth and Schools Commission with the purpose of  
advising the Mayor and the Council on health, wellness, and nutritional issues concerning youth  
and schools in the District, including:

(1) School meals;

(2) Farm-to-school programs;

(3) Physical activity and physical education;

(4) Health education;

(5) Environmental programs;

(6) School gardens;

**ENGROSSED ORIGINAL**

(7) Sexual health programming;	1
(8) Chronic disease prevention;	2
(9) Emotional, social, and mental health services;	3
(10) Substance abuse; and	4
(11) Violence prevention.	5
(b) Specific functions of the Commission shall include the following:	6
(1) Advising on the operations of all District health, wellness, and nutrition programs;	7
(2) Reviewing and advising on the best practices in health, wellness, and nutrition programs across the United States;	8
(3) Recommending standards, or revisions to existing standards, concerning the health, wellness, and nutrition of youth and schools in the District;	9
(4) Advising on the development of an ongoing program of public information and outreach programs on health, wellness, and nutrition;	10
(5) Making recommendations on enhancing the collaborative relationship between the District government, the federal government, the University System of the District of Columbia, local nonprofit organizations, colleges and universities, and the private sector in connection with health, wellness, and nutrition;	11
(6) Identifying gaps in funding and services, or methods of expanding services to District residents; and	12
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**ENGROSSED ORIGINAL**

- (7) Engaging students in improving health, wellness, and nutrition in schools. 1
- (c) On or before September 30 of each year, the Commission shall submit to the Mayor 2  
and the Council a comprehensive report on the health, wellness, and nutrition of youth and 3  
schools in the District. The report shall: 4
- (1) Explain the efforts made within the preceding year to improve the health, 5  
wellness, and nutrition of youth and schools in the District; 6
- (2) Discuss the steps that other states have taken to address the health, wellness, 7  
and nutrition of youth and schools; and 8
- (3) Make recommendations about how to further improve the health, wellness, 9  
and nutrition of youth and schools in the District. 10
- Sec. 702. Composition and organization of the commission. 11
- (a) The Commission shall be composed of 13 members who are experts in health, 12  
wellness, or nutrition; parents; teachers; or students. The Mayor shall appoint 10 members, no 13  
more than 5 of whom shall represent District agencies. The Chairman of the Council shall 14  
appoint one member. The chair of the Council committee with oversight of education shall 15  
appoint one member. The Chair of the Public Charter School Board shall appoint one member. 16
- (b) Members shall serve 3-year terms on the Commission, except that: 17
- (1) Of the Mayor's first 10 persons appointed, 4 shall be appointed to serve 3-year 18  
terms, 3 shall be appointed to serve 2-year terms, and 3 shall be appointed to serve one-year 19  
terms; and 20

- (2) Students shall serve for one year. 1
- (c) The Mayor shall designate one member of the Commission to serve as its 2  
Chairperson. 3
- (d) A member shall serve for no more than 2 consecutive, full terms. 4
- (e) Unless excused by the Chairperson, any member who fails to attend 3 consecutive 5  
meetings shall be deemed to be removed from the Commission, creating a vacancy. 6
- (f) Each member of the Commission shall serve without compensation; provided, that 7  
each member may be reimbursed for actual expenses pursuant to section 1108 of the District of 8  
Columbia Government Comprehensive Merit Personnel Act of 1978, effective March 3, 1979 9  
(D.C. Law 2-139; D.C. Official Code § 1-611.08). 10
- Sec. 703. Rules of procedure and powers. 11
- (a) The Chairperson of the Commission, or his or her designated representative, who 12  
shall be a member of the Commission, shall convene all meetings of the Commission. Seven 13  
members of the Commission shall constitute a quorum. Voting by proxy shall not be permitted. 14
- (b) All meetings, reports, and recommendations shall be a matter of public record. 15
- (c) The Commission shall establish its meeting schedule; provided, that the Commission 16  
shall meet at least 4 times during each calendar year. 17
- (d) The Commission may establish subcommittees as needed. Subcommittees may 18  
include persons who are not members of the Commission; provided, that each subcommittee 19  
shall be chaired by a Commission member. 20



Sec. 704. Administration. 1

Subject to appropriations, the Office of the State Superintendent of Education shall 2  
provide administrative and technical support to the Commission as necessary. 3

**TITLE VIII. RULES; APPLICABILITY; 4**

**FISCAL IMPACT STATEMENT; EFFECTIVE DATE. 5**

Sec. 801. Rules. 6

The Mayor, pursuant to Title 1 of the District of Columbia Administrative Procedure Act, 7  
approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*), shall issue rules 8  
to implement the provisions of this act. 9

Sec. 802. Applicability. 10

(a) Title II shall apply as of August 1, 2010. 11

(b) This act shall apply upon the inclusion of its fiscal effect in an approved budget and 12  
financial plan. 13

Sec. 803. Fiscal impact statement. 14

The Council adopts the fiscal impact statement in the committee report as the fiscal 15  
impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, 16  
approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c)(3)). 17

Sec. 804. Effective date. 18

This act shall take effect following approval by the Mayor (or in the event of veto by the 19  
Mayor, action by Council to override the veto), a 30-day period of Congressional review as 20

**ENGROSSED ORIGINAL**

provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 1  
24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of 2  
Columbia Register. 3